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Paper No. 37

TIMOTHY S. CORDER
VINSON & ELKINS L.L.P.
2300 FIRST CITY TOWER
1001 FANNIN STREET
HOUSTON, TX 77002-6760

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OFFICE OF PETITIONS

In re Application of
Elledge et al
Application No. 09/122,384
Filed: July 24, 1998
Attorney Docket No. BAY136/4-010CIP

ON PETITION

This is a decision on the petition, filed by facsimile transmission on June 15, 2001, and supplemented by facsimile transmission on July 17, 2001, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The decision mailed August 19, 2001 is hereby **vacated** since the decision was not decided by the proper deciding official's office.

The above-identified application is withdrawn from issue in favor of the continued prosecution application (CPA) under 37 CFR 1.53(d) filed June 15, 2001.

Petitioner is advised that the issue fee paid on March 20, 2001 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 15, 2001.

As requested in the paper filed October 12, 2001, small entity status has been removed.

Telephone inquiries should be directed to Karen Creasy at (703) 305-8859.

The application is being forwarded to Technology Center Art Unit 1636 for processing of the CPA.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy